

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

NAN VOLLETTE, et.al.,

Plaintiffs,

v.

ACTION NO. 2-12-cv-231

BILL WATSON, et. al.,

Defendants.

**ORDER**

On July 25, 2012, Plaintiffs filed a Motion to Remove the Defendants' Summary Judgment from the Docket with Memorandum Attached (ECF No. 38), which was referred to the undersigned for decision. In response, and also on July 25, 2012, Defendants filed a Motion for Leave to File Request for Hearing Out of Time. ECF No. 39. No other briefs have been filed on this issue.

On June 15, 2012, Defendants filed a Motion for Summary Judgment. ECF No. 30. On July 24, 2012, prior to either of the above motions being filed, the Motion for Summary Judgment was referred to District Judge Mark S. Davis by the Clerk's office for his consideration. Judge Davis will determine whether to grant oral argument or decide the motion without argument.

Since the Motion for Summary Judgment was referred by the Clerk before the filing of the Plaintiffs' Motion to Remove, Plaintiffs' Motion to Remove (ECF No. 38) is DENIED as

MOOT. The Court GRANTS Defendants' Motion for Leave to File Request for Hearing Out of Time (ECF No. 40). The decision of whether or not to grant a hearing on Defendants' Motion for Summary Judgment remains with Judge Davis.

The Clerk is DIRECTED to send copies of this Order to all counsel of record.

/s/

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TOMMY E. MILLER

UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia

August 14, 2012